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October 14, 2005

VIA HAND DELIVERY

The Honorable Charles L.A. Terreni
Chief Clerk/Administrator
Public Service Commission of South Carolina
Executive Center Drive, Suite 100
Columbia, South Carolina 29210

Re: Coastal Electric Cooperative, Inc. vs. South Carolina Electric & Gas Company, Docket No. 2005-154-E

Dear Mr. Terreni:

Enclosed for filing please find the original and twelve (12) copies of SCE&G'S MEMORANDUM IN REPLY TO COASTAL ELECTRIC'S MEMORANDUM IN OPPOSITION TO SCE&G'S MOTION TO DISMISS AND SCE&G'S RESPONSE TO COASTAL'S MOTION TO STAY in the above captioned matter. Please accept the original and ten (10) copies for filing and return (2) copies, bearing your file stamp, via our courier. By copy of this letter I am serving counsel of record and enclose a Certificate of Service to that effect.

If you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

WILLOUGHBY & HOEFER, P.A.

Paige J. Gossett

Paige J. Gossett

PJG/jmb
enclosures

cc: Marcus A. Manos, Esquire
Shannon B. Hudson, Esquire
Wendy B. Cartledge, Esquire
James B. Richardson, Jr., Esquire
Patricia Banks Morrison, Esquire

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2005–154–E

Coastal Electric Cooperative, Inc.,	)	
	)	
Complainant,	)	**SCE&G'S MEMORANDUM IN REPLY TO COASTAL ELECTRIC'S MEMORANDUM IN OPPOSITION TO SCE&G'S MOTION TO DISMISS AND SCE&G'S RESPONSE TO COASTAL'S MOTION TO STAY**
	)	
-vs-	)	
	)	
South Carolina Electric & Gas Company,	)	
	)	
Respondent.	)	
	)	

The respondent, South Carolina Electric & Gas Company ("SCE&G"), files this memorandum in reply to the memorandum of the complainant, Coastal Electric Cooperative, Inc. ("Coastal"), filed on August 11, 2005, in opposition to SCE&G's motion to dismiss the complaint. On May 17, 2005, Coastal filed a complaint asking the Commission to declare that Coastal has the legal right to supply electricity to a Wal-Mart store under construction in the City of Walterboro. By motion filed on June 30, 2005, South Carolina Electric & Gas Company ("SCE&G") moved to dismiss the complaint for lack of subject matter jurisdiction and/or because another action is pending between the same parties for the same claim. A supporting memorandum was filed by SCE&G on July 20, 2005. On August 11, 2005, Coastal filed a memorandum in opposition to SCE&G's motion to dismiss and, both in connection therewith and by separate motion, requested that the Commission stay its ruling on SCE&G's motion to dismiss until the circuit court rules on Coastal's motion to dismiss SCE&G's related circuit court

action currently pending in the Colleton County Court of Common Pleas. SCE&G submits this reply memorandum in response to Coastal's memorandum in opposition and motion to stay.

ARGUMENT

1. Jurisdiction/Primary Jurisdiction/Exhaustion of Administrative Remedies

a. *The Commission lacks jurisdiction over this dispute.*

As discussed at length in SCE&G's memorandum filed on July 20, 2005, in support of its motion to dismiss, the Commission has no jurisdiction over this dispute. The statutes cited by Coastal in its memorandum are inapplicable. First, S.C. Code Ann. § 58-27-40 does not apply because the Territorial Assignment Act does not govern territory located within a municipality. Thus, the issue is not one "covered by this Title" conferring jurisdiction to the Commission over an electric cooperative under § 58-27-40, as the Commission has no jurisdiction to determine service disputes within a municipality. Moreover, Coastal's statement that "[t]he service rights of all electrical suppliers, except municipalities, arise from the Commission-administered Territorial Assignment Act, Title 58, Chapter 27, Article 5," (Coastal Mem. Opp'n Mot. Dism. at 5), is not accurate, since that Act does not govern service rights of electrical suppliers *within* municipalities.

Next Coastal cites § 58-27-140 for its assertion that "[t]he Commission is charged with regulating the service to be furnished by electrical utilities, and that includes the service to be furnished by Coastal Electric to the Wal-Mart premises." However, it is a misstatement to say that the Commission regulates Coastal's electric service. As discussed in SCE&G's supporting memorandum, with very limited exceptions that do not apply here, electric service provided by a cooperative is specifically exempt from Commission regulation under S.C. Code Ann. § 33-49-50. (SCE&G Mem. Supp. Mot. Dism. at 7.) Title 58 also recognizes this exempt status through

the definition of "electrical utilities," which specifically excludes electric cooperatives. S.C. Code Ann. § 58-27-10.[1]

b. *The doctrine of primary jurisdiction does not apply in the present case.*

The doctrine of primary jurisdiction allows a court to stay a proceeding that is "properly cognizable in court but that contains some issue within the special competence of an administrative agency," and to "refer" the case to the agency for its review. Reiter v. Cooper, 507 U.S. 258, 268 (1993).[2] As a threshold matter, Coastal correctly asserts in its memorandum that "[u]nder the doctrine[] of primary jurisdiction . . . , the Court, not the Commission, has discretion to decide whether administrative resolution is proper." (Coastal Mem. Opp'n Mot. Dism. at 10.) Whether to refer a case to an administrative agency is within the discretion of the *court*. Syntek Semiconductor Co. v. Microchip Tech., Inc., 307 F.3d 775, 781 (9th Cir. 2002); Mills v. Davis Oil Co., 11 F.3d 1298, 1304 (5th Cir. 1994). Accordingly, and as Coastal recognizes, it is for the circuit court, not the Commission, to decide whether the doctrine should be applied.[3]

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[1] For the same reason, § 58-27-220 does not apply, since by its terms it addresses "electrical utilities." Accordingly, Coastal's reliance on § -220 is also misplaced.

[2] Contrary to Coastal's assertion, some uncertainty exists as to whether the doctrine of primary jurisdiction as described above would be applied by South Carolina courts. Coastal relies upon the case of Medical University of South Carolina v. Taylor, 294 S.C. 99, 362 S.E.2d 881 (Ct. App. 1987). However, this case involved the issue of *exhaustion of administrative remedies*, not the procedure commonly associated with the federal doctrine of *primary jurisdiction*, whereby a court suspends the judicial process in an action properly before it pending referral of an issue to an administrative agency with special expertise. See International Brotherhood of Boilermakers v. Hardeman, 401 U.S. 233, 238 (1971). There is simply no South Carolina appellate case law discussing or applying the doctrine of primary jurisdiction in the context of a court's referral of factual issues to an administrative agency.

[3] As discussed more fully below, SCE&G agrees with Coastal that, in the event the Commission does not elect to dismiss Coastal's complaint at this time, it should stay this docket pending a resolution of the identical issues currently pending before the circuit court. See *infra*

Nevertheless, even if the Commission had jurisdiction over Coastal's complaint, and even if the decision could be made by the Commission, an analysis of the factors involved in the doctrine of primary jurisdiction shows that this principle of law is not applicable to the present case. "No fixed formula exists for applying the doctrine of primary jurisdiction." United States v. Western Pac. R.R. Co., 352 U.S. 59, 64 (1956). However, consideration of whether a case should be referred to an administrative agency under the doctrine of primary jurisdiction generally involves an analysis of three factors: (1) whether the agency possesses some special expertise which makes the case peculiarly appropriate for a decision by the agency; (2) whether there is a need for uniformity of interpretation of the type of question raised in the dispute; and (3) the possibility of an adverse impact on the regulatory responsibilities of the administrative agency. See Richard J. Pierce, Jr., Administrative Law Treatise § 14.1 (2002); Arkansas Louisiana Gas Co. v. Hall, 7 FERC P61,175, reh'g denied, 8 FERC 61,031 (1979).

As the General Assembly has recognized, the instant dispute involves an issue within the capability and jurisdiction of the circuit court, see S.C. Code Ann. § 33-49-250(1) (Supp. 2004), not within the special expertise of the Commission. As discussed in SCE&G's supporting memorandum, disputes concerning the corporate powers of electric cooperatives under § 33-49-250, including the issue of cooperatives' rights to provide electric service within municipal territorial limits, have always been within the jurisdiction of the circuit court, not the Commission. In fact, such disputes have been routinely litigated in circuit court. See, e.g., City of Newberry v. Newberry v. Newberry Electric Cooperative, Inc., 352 S.C. 570, 575 S.E. 83 (Ct. App. 2003); Duke Power Co. v. Laurens Electric Cooperative, Inc., 344 S.C. 101, 543 S.E.2d 560 (Ct. App. 1996); Carolina Power & Light Co. v. Town of Pageland, 321 S.C. 538, 471

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part 5.

S.E.2d 137 (Ct. App. 1996). The General Assembly specifically and unequivocally reaffirmed this with the 2004 amendment in which it expressly conferred jurisdiction over municipal service disputes on the Court of Common Pleas. See S.C. Code Ann. § 33-49-250(1) (Supp. 2004). Additionally, the crux of the dispute between SCE&G and Coastal regarding service rights to the Wal-Mart is a question of statutory interpretation, an issue uniquely within the purview of the circuit court rather than an administrative agency.[4] Accordingly, the first factor does not weigh in favor of an exercise of the doctrine of primary jurisdiction.

The second and third factors also show that the doctrine of primary jurisdiction would be inappropriately exercised here. Because the Territorial Assignment Act expressly excludes areas within municipal corporate limits, uniformity of interpretation by the Commission is not a concern raised by the instant dispute. For the same reason, no potential for adverse impact on the Commission's regulatory responsibilities to assign territory *outside* municipal corporate limits exists in connection with this dispute.

The case of South Carolina Public Service Authority v. Carolina Power & Light Co., 244 S.C. 466, 137 S.E.2d 507 (1964), upon which Coastal relies, is inapposite for the simple reason

[4] Contrary to Coastal's assertion, the "factual issues" listed on the fifth page of its memorandum do not require expert administrative knowledge. Rather, they are either actually legal issues of statutory interpretation, or they are straightforward factual inquiries requiring no technical expertise. For example, the question raised by Coastal as to "whether any change in character of the service on the premises makes any difference" is actually a question of statutory interpretation – a legal question. Further, the pertinent factual inquiry as to whether Coastal served premises in the area annexed on December 2, 2003, can easily be addressed by an examination of service records and other like evidence. Thus, the issues raised by Coastal do not implicate any special expertise of the Commission, issues of uniformity of interpretation, or adverse impact on the Commission's regulatory responsibilities. Accordingly, even if the Commission did have jurisdiction over this matter, the doctrine of primary jurisdiction does not compel an initial decision by the Commission rather than the circuit court.

that it predates both the Territorial Assignment Act and the 2004 amendment to the Electric Cooperative Act. Moreover, the case did not involve a territorial dispute within a municipality.

As Coastal recognizes, the Public Service Authority case did not involve the doctrine of primary jurisdiction. In that case, the Public Service Authority ("Santee Cooper") sued an investor-owned utility, CP&L, alleging that CP&L was extending service to a customer without having obtained the requisite certificate of public convenience and necessity from the Commission. Santee Cooper sought an injunction. The court reviewed the statutes, the predecessors to § 58-27-1270 and § 58-27-1940, conferring authority upon the Commission to regulate the territorial service of privately owned electrical utilities such as CP&L and to stop them from unauthorized expansion. The court concluded:

> It is clear from the foregoing constitutional and statutory provisions that the determination of the territory to be served *by privately owned electrical utilities* is a regulatory matter which has been placed within the original jurisdiction of the Public Service Commission, and over which the courts have no jurisdiction except by way of review.

244 S.C. at 470 (emphasis added). The Commission has no comparable statutory authority to regulate the service rights of *cooperatives inside municipalities*.

Had the Public Service Authority case arisen under current statutory law, the Territorial Assignment Act would have applied because the dispute did not involve territory within the corporate limits of a municipality. Therefore, the Court's conclusion that the determination of service rights in that case was within the Commission's exclusive jurisdiction would still have been proper. However, under the facts of the instant case, the Territorial Assignment Act is inapplicable by its own terms, since the Act does not apply to territory inside municipal limits. Instead, the Electric Cooperative Act governs. That Act specifically confers jurisdiction over

service rights disputes within municipal limits to the Court of Common Pleas, not the Commission.

c. *SCE&G is not required to exhaust administrative remedies.*

As a threshold matter, Coastal correctly asserts in its memorandum that "[u]nder the doctrine[] of . . . exhaustion of administrative remedies, the Court, not the Commission, has discretion to decide whether administrative resolution is proper." (Coastal Mem. Opp'n Mot. Dism. at 10.)

SCE&G is not required to exhaust administrative remedies for the simple reason that there are no administrative remedies to exhaust. As previously discussed above and in SCE&G's initial brief, the Commission has no jurisdiction over this dispute. Accordingly, SCE&G cannot be required to exhaust an administrative remedy before an agency that has no jurisdiction to confer one. Similarly, an assertion of jurisdiction by the Commission would itself constitute an ultra vires act, and thus no exhaustion requirement can be imposed on SCE&G. See Ex Parte Allstate Ins. Co., 151 S.E.2d 849 (1966) (holding that the legal issue of statutory authority or jurisdiction of the agency does not require an exhaustion of administrative remedies); see also Lehigh Portland Cement Co. v. New York State Dep't of Envtl. Conservation, 661 N.E.2d 961, 963 (N.Y. 1995) (holding that exhaustion of administrative remedies "is not required where an agency's action is challenged as beyond its grant of power or when resort to an administrative remedy would be futile"); Taylor v. Marshall, 376 A.2d 712 (R.I. 1977) (finding that exhaustion of administrative remedies is not required when the agency attempts to exercise jurisdiction in excess of its power, and further finding that a declaratory judgment action was appropriate).

Further, the doctrine of exhaustion of administrative remedies is wholly inapplicable in the present case. This doctrine applies when an administrative agency is charged with the

statutory task of deciding a factual issue *in the first instance* and judicial involvement is limited to review of an agency decision. Cf. Alaska Dep't of Transp. v. Fairbanks North Star Borough, 936 P.2d 1259, 1262 (Alaska 1997) ("If the complaint does not allege any error in an administrative action, the doctrine [of exhaustion of administrative remedies] does not apply."). However, the General Assembly has explicitly rejected that scheme and the underlying rationale of the doctrine by conferring original jurisdiction upon the "court of common pleas" in each county. S.C. Code Ann. § 33-49-250(1) (Supp. 2004). Even assuming *arguendo* that jurisdiction is concurrent rather than exclusive, which SCE&G contests, the simple fact that the General Assembly has granted original jurisdiction to the Court of Common Pleas obviates any exhaustion requirement.

Additionally, § 33-49-250 expressly confers the right on an "affected supplier of electricity" to "institute an action in the court of common pleas of the county in which the violation occurs to compel compliance with the provisions of this subsection." S.C. Code Ann. § 33-49-250(1) (Supp. 2004). The statute imposes no requirement on the "affected supplier of electricity" to exhaust any remedy before the Commission. When interpreting a statute, words should be given their plain and ordinary meaning. Gilstrap v. South Carolina Budget and Control Board, 310 S.C. 210, 423 S.E.2d 101, 103 (1992). The word "institute" means "to start; initiate." Webster's New World Dictionary 730 (2d College ed. 1986). Similarly, as a legal term of art, "institute" means "[t]o begin or start; commence." Black's Law Dictionary 813 (8th ed. 2004). Thus, by the clear terms of the statute, no action other than direct resort to the circuit court is required.

Third, even if the Commission possessed jurisdiction over this dispute and even if an administrative procedure were in place that SCE&G would generally be required to exhaust, any

such exhaustion is not required under the present circumstances because, as Coastal acknowledges,[5] SCE&G has requested a declaratory judgment interpreting the 2004 amendment to the Electric Cooperative Act. (See Compl. at 6, South Carolina Electric & Gas Co. v. Coastal Electric Cooperative, Inc., C/A No. 05-CP-15-292.) The South Carolina Supreme Court has held that declaratory relief from a circuit court may be proper even when a party is seeking review of an agency decision.[6] Ott v. Tindal, 297 S.C. 395, 397-98, 377 S.E.2d 303, 304 (1989). As the Supreme Court noted in Ott, "[t]he Declaratory Judgment Act is 'remedial' and designed 'to settle and to afford relief from uncertainty and insecurity with respect to rights, status and other legal relations.'" Id. (quoting the Declaratory Judgment Act, § 15-53-130). It went on to state, "under Rule 57 of the South Carolina Rules of Civil Procedure, '[t]he existence of another adequate remedy does not preclude a judgment for declaratory relief in cases where it is appropriate.'" Id. (quoting Rule 57, SCRCP). The Court found that declaratory judgment actions are particularly appropriate where, as here, the interpretation of a statute is in question. Id.; see also Simpson v. Van Ryzin, 265 So.2d 569, 577 (Ala. 1972) (stating that exhaustion is not required where there is a question of applicability of a statute). The crux of the instant case is the interpretation of the 2004 amendment to the Electric Cooperative Act, and thus a declaratory judgment is proper and appropriate. See, e.g., Independent Oil & Gas Ass'n of Pa. v. Pennsylvania Utility Comm'n, 789 A.2d 851, 853 (Pa. Commw. 2002) ("Generally, when

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[5] "SCE&G's Complaint in the Circuit Court essentially invokes declaratory relief." (Coastal Mem. Opp'n Mot. Dism. at 7.)

[6] Here, of course, SCE&G is not even seeking review of an agency decision, but rather simply a declaration of rights under a statute. Accordingly, the case for requesting declaratory relief from a circuit court rather than pursuing administrative remedies – if any were even available – is even more compelling in the instant case than it was in Ott.

challenges are set forth which question the scope of a governmental body's action pursuant to statutory authority, then the Declaratory Judgments Act is properly invoked.").

Further, the Court observed that "declaratory judgment actions are appropriate when enabling legislation contains no special review provisions." Ott, 297 S.C. at 398, 377 S.E.2d at 305. The cases of Garris v. Governing Board of S.C. Reinsurance Facility, 319 S.C. 388, 461 S.E.2d 819 (1995), Smith v. South Carolina Retirement System, 336 S.C. 505, 520 S.E.2d 339 (Ct. App. 1999), and Hyde v. South Carolina Department of Mental Health, 314 S.C. 207, 442 S.E.2d 582 (1994), cited by Coastal, are all distinguishable because those cases involved specific statutory procedures established by the General Assembly to grant administrative relief. Here, however, the General Assembly has provided for no such statutory remedy. As discussed above, the Electric Cooperative Act provides, not for an administrative remedy, but for a judicial one in the Court of Common Pleas. Moreover, the Territorial Assignment Act by its own terms does not apply within municipalities. See S.C. Code Ann. § 58–27–620 (1976) (service rights are determined "[w]ith respect to service in all areas outside the corporate limits of municipalities. . . .").

2. *S.C. Code Ann. § 33-49-250's use of the word "may" does not mean that jurisdiction is concurrent.*

Coastal's strained interpretation of the word "may" in the Electric Cooperative Act is unavailing. Coastal asserts that "Section 33-49-250 permits, but does not require, an electrical utility or electrical cooperative to bring an action in circuit court." (Coastal's Mem. Opp'n Mot. Dism. at 8.) Coastal then attempts to contort the General Assembly's use of the word "may" to mean that the circuit court and the Commission have concurrent jurisdiction, rather than the natural and plain meaning that an electrical utility may, but of course is not required to, file an

action to protect its service rights. Certainly the act of commencing a lawsuit is optional or discretionary with the utility. However, once it decides to assert its rights through litigation, it has no option as to the forum. Where a statute contains a specific grant of jurisdiction to an adjudicative body, courts have found such jurisdiction to be exclusive, even in the absence of mandatory language. Cf. Lindler v. Baker, 280 S.C. 130, 311 S.E.2d 99, 100 (implicitly assuming a specific grant of jurisdiction to the Commission to be exclusive even in the absence of mandatory words). The 2004 amendment to the Electric Cooperative Act is clear that the forum in which to assert such rights is the circuit court, not the Commission.

3. *Although S.C. Code Ann. § 33-49-250 references previous assignments of territory made pursuant to the Territorial Assignment Act to determine service rights in annexed areas in certain cases, the Territorial Assignment Act does not apply inside annexed territories.*

Coastal suggests that status of a municipality as a party somehow determines the extent of the Commission's jurisdiction under the governing statutes. (Coastal Mem. Opp'n Mot. Dism. at 8-9.) This novel assertion ignores the plain language of the Territorial Assignment Act, which defines the service rights of electric suppliers "[w]ith respect to service in all areas *outside the corporate limits of municipalities*. . . ." S.C. Code Ann. § 58–27–620 (1976) (emphasis added); see, e.g., In Re: Joint Petition of Mid-Carolina Electric Cooperative, Inc. and South Carolina Electric & Gas Company for Assignment of Territory in Newberry County and Reassignment of Territory in Lexington and Richland Counties, Docket No. 2002-393-E, Order No. 2003-643, 2003 S.C. PUC LEXIS 615 at *7 (S.C. Public Serv. Comm'n Oct. 27, 2003) (stating that the Commission has authority to assign territory *outside* municipal limits).

Nevertheless, the General Assembly recognized that there may be situations where an electric cooperative may legally serve within a municipality after an annexation. In those

situations the annexation has no effect on the service rights of the electric cooperative or the electrical utility under the Territorial Assignment Act. S.C. Code Ann. § 58-27-670(1); see SCE&G Mem. Supp. Mot. Dism. at 5-6. Rather, the scope and legality of any such service must be determined by the Electric Cooperative Act, as amended in 2004. See S.C. Code Ann. § 33-49-250 (Supp. 2004). Even the Territorial Assignment Act recognizes that the primary source of authority for an electric cooperative to serve within annexed territory is § 33-49-250. See S.C. Code Ann. § 58-27-670(2) (Supp. 2004) ("[N]othing in this subsection limits the power of an electric cooperative to serve in such areas, as provided in Section 33-49-250.").

Therefore, Coastal's analysis is fatally flawed in that a plain reading of the statutes, when construed together, reflects that the Territorial Assignment Act is inoperative within municipalities and that § 33-49-250 of the Electric Cooperative Act is the relevant statutory provision to determine whether an electric cooperative is permitted to provide service within an annexed territory. See State v. Gordon, 356 S.C. 143, 152, 588 S.E.2d 105, 110 (2003) ("In construing statutory language, the statute must be read as a whole, and sections which are part of the same general statutory law must be construed together and each one given effect, if it can be done by any reasonable construction.").

4. *The Commission should apply Rule 12(b)(8) and dismiss Coastal's complaint because another action is pending in circuit court raising the same issues.*

For the reasons discussed in SCE&G's supporting memorandum, the Commission should apply Rule 12(b)(8), SCRCP, and dismiss Coastal's complaint on the ground that another action raising this issue is currently pending. (SCE&G Mem. Supp. Mot. Dism. at 8.)

5. *If the Commission is not inclined to dismiss Coastal's complaint at this time, SCE&G agrees that the appropriate procedure would be for the Commission to stay this docket pending resolution of the identical issues currently pending before the circuit court.*

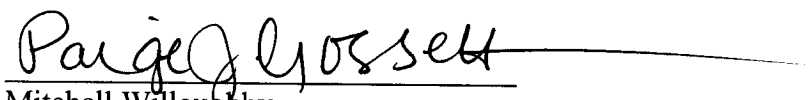
SCE&G submits that for all of the reasons discussed herein and in its supporting memorandum dated July 20, the Commission should dismiss Coastal's complaint. However, in the event that the Commission should not elect to dismiss the complaint at this time, SCE&G agrees with Coastal that the Commission should reserve any decision in the docket until after the circuit court rules on this issue and stay further proceedings in this matter until then.

CONCLUSION

The Commission lacks jurisdiction to adjudicate this dispute. Even if the Commission had concurrent jurisdiction as Coastal suggests, the doctrines of primary jurisdiction and exhaustion of administrative remedies do not apply. For all of the reasons set forth herein and in its supporting memorandum, SCE&G respectfully urges the Commission to dismiss Coastal Electric Cooperative's complaint, or alternatively, stay this docket until a ruling by the circuit court as to the jurisdictional issue.

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,



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Attorneys for Respondent

Columbia, South Carolina
This 14th day of October, 2005

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2005-154-E

IN RE:	
Coastal Electric Cooperative, Inc.,	
Complainant,	**CERTIFICATE OF SERVICE**
vs.	
South Carolina Electric & Gas Company,	
Respondent.	

This is to certify that I, an employee of the law firm of Willoughby & Hoefer, P.A., on behalf of South Carolina Electric & Gas Company, have served or caused to be served this day one copy of the **SCE&G'S MEMORANDUM IN REPLY TO COASTAL ELECTRIC'S MEMORANDUM IN OPPOSITION TO SCE&G'S MOTION TO DISMISS AND SCE&G'S RESPONSE TO COASTAL'S MOTION TO STAY** upon the persons named below, at the addresses set forth, by the means indicated:

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